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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,007	11/30/2005	Jan Grund-Pedersen	4145-000009/US	6870

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HARNESS, DICKEY & PIERCE, P.L.C.
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RESTON, VA 20195

EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3715

MAIL DATE	DELIVERY MODE
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07/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,007	Applicant(s) GRUND-PEDERSEN, JAN	
	Examiner CAMERON SAADAT	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/29/2009, 4/6/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 7,371,067) in view of Charbel et al. (US 7,191,110; hereinafter Charbel).

Regarding claims 1 and 7, Anderson discloses an interventional procedure simulation system and method, comprising a control unit and an interface unit, said control unit communicating with said interface unit to simulate handling of at least one instrument interfaced by said interface unit, wherein control unit comprises a database of vessels having hierarchy structure (Col. 11, lines 48-61), each vessel having a diameter and a stiffness, and said instrument being a tool expandable in a simulated vessel, whereby when said tool is expanded, a geometry of said vessel changes resulting in a fluid flow change. See Col. 2, lines 28-45. Anderson discloses all of the claimed subject matter with the exception of disclosing that the flow simulation is modeled as an electrical resistive network. However, the

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examiner previously took official notice that the feature of modeling blood flow of a blood vessel in terms of resistance and current is old and well known, and therefore it would have been an obvious modification with predictable results to one of ordinary skill in the art. This position is supported by Charbel. Charbel discloses a method of modeling circulation using electrical network models, since these networks are good at simulating networks with capacitance and resistance. See Col.4, lines 31-44.

Regarding claim 2, Anderson discloses simulated vessels that are interconnected in a hierarchical structure and said fluid flow change effects fluid flow changes in adjacent simulated vessels. (Col. 11, lines 48-61).

Regarding claim 3, Anderson discloses an instrument that is a balloon, stent and/or a distal protection tool. See Col. 2, lines 46-56.

Regarding claim 4, Anderson discloses that the vessel is realized by a tubular geometry and specific stiffness. See Fig. 5.

Regarding claim 5, Anderson discloses vessels that are realized by lesions having different stiffness than the neighboring vessel parts. See Col. 14, lines 33-63.

Regarding claim 6, Anderson discloses a system that calculates a flow through the hierarchal structure realized as a vessel-tree as a result of its geometry. (Col. 11, lines 48-61).

Anderson discloses all of the claimed subject matter of claims 8-11 with the exception of disclosing that the flow simulation is modeled as an electrical resistive network. However, the examiner previously took official notice that the feature of modeling blood flow of a blood vessel in terms of resistance and current is old and well known, and therefore it would have been

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an obvious modification with predictable results to one of ordinary skill in the art. This position is supported by Charbel. Charbel discloses a method of modeling circulation using electrical network models, since these networks are good at simulating networks with capacitance and resistance. See Col.4, lines 31-44.

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON SAADAT whose telephone number is (571)272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/
Primary Examiner, Art Unit 3715